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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

**Federal Communications Commission
Office of Secretary**

In the Matter of

**Petition of Saddleback Communications for
Designation as an Eligible
Telecommunications Carrier Pursuant to
Section 214(e)(6) of the Communications
Act, FCC 97-419**

File No. _____

**PETITION OF
SADDLEBACK COMMUNICATIONS
FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

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I. SUMMARY

Saddleback Communications, a division of the Salt River Pima-Maricopa Indian Community ("Saddleback"), respectfully petitions the Commission for designation as an eligible telecommunications carrier ("ETC") pursuant to § 214(e)(6) of the Communications Act of 1934, as amended, within its local exchange carrier ("LEC") service area.¹ The Arizona Corporations Commissions ("ACC") does not have jurisdiction to designate Saddleback as an ETC for purposes of the Communications Act ("Act"). Therefore, Saddleback is "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission."²

¹ As required a copy of this petition has been submitted on diskette to the Commission's Universal Service Branch.

² 47 U.S.C. § 214(e)(6).

†

The Salt River Pima-Maricopa Indian Community ("Salt River") is a distinct federally recognized Indian tribe. Salt River defines Saddleback's service area, and Saddleback is subject to the jurisdiction of the Salt River Tribal Council. Saddleback affirms that it meets the requirements for ETC designation.³ By this petition, Saddleback respectfully requests that the Commission confirm that Saddleback is an ETC for its service area.

II. STATUTORY REQUIREMENTS

For most carriers, state commissions are responsible for designating eligible telecommunications carriers and for designating service areas for such carriers.⁴ Section 214(e)(6), however, provides:

In the case of a common carrier ... that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of [section 214(3)(1)] as an eligible telecommunications carrier for a service area designated by the Commission.⁵

Pursuant to section 254(e), after January 1, 1998, "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive ... Federal universal service support."⁶ Section 214(e)(1) requires that, to be designated an eligible telecommunications carrier, a common carrier must, throughout its service area: (1) offer all of the services designated for support by the Commission pursuant to section 254(c) "either using its own facilities or a combination of its own facilities and resale of another carrier's services ...,"⁷ and

³ See Certifications provided in Attachment A.

⁴ 47 U.S.C. § 214(e)(2), (5).

⁵ 47 U.S.C. § 214(e)(6).

⁶ 47 U.S.C. § 254(e).

⁷ 47 U.S.C. § 214(e)(1)(A).

(2) “advertise the availability of such services and the charges ... through media of general distribution.”⁸ As Saddleback demonstrates below, it satisfies all of the statutory and regulatory requirements for designation as an ETC.

III. SADDLEBACK COMMUNICATIONS IS NOT SUBJECT TO STATE JURISDICTION

Saddleback is a division of Salt River, a tribal entity established by Executive Order.⁹ The Commission has recognized the sovereign authority of Indian tribal governments, and has expressed a “proper respect both for tribal sovereignty itself and for the plenary authority of Congress.”¹⁰

In an order released February 27, 1998, the Commission recognized that several Arizona telecommunications carriers are not subject to the jurisdiction of the ACC because they were subject instead to the governing bodies of a federally recognized Indian tribe.¹¹ Likewise, Saddleback is subject to the jurisdiction of Salt River, a distinct federally-recognized Indian tribe; the ACC does not assert jurisdiction over Saddleback. As a result, Saddleback is not subject to the jurisdiction of a state commission (see Attachment A).

⁸ 47 U.S.C. § 214 (e)(1)(B).

⁹ See Attachment B.

¹⁰ *In the Matter of AB Fillins*, 12 FCC Rcd 11755, 11761-62 (1997) (citation omitted). Because Saddleback is a division of Salt River, Saddleback has sovereign immunity. By filing this petition, Saddleback does not waive its sovereign immunity, nor is anything contained herein intended to be construed as such a waiver.

¹¹ *Fort Mojave Telecommunications, Inc.*, 13 FCC Rcd 4547, 4549-50 (1998); see also Letter from Deborah R. Scott, Arizona Corporation Commission Counsel to Larry Robertson (June 30, 1997) (Attachment G).

IV. SADDLEBACK COMMUNICATIONS PROVIDES ALL SERVICES DESIGNATED FOR SUPPORT BY THE FCC PURSUANT TO SECTION 254(c)

Under applicable federal rules, an ETC must offer the following services:

1. Voice grade access to the public switched network;
2. Access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
3. Dual tone multi-frequency signaling or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;
8. Access to directory assistance; and
9. Toll limitation services for qualifying low-income consumers.¹²

Furthermore, qualified ETCs must offer and advertise the services designated for support "throughout the service area for which the designation is received."¹³ Section 214(e)(5) states that, "[i]n the case of an area served by a rural telephone company, 'service area' means such company's 'study area' unless and until the Commission and the States ... establish a different

¹² 47 C.F.R. § 54.101(a)(1).

¹³ 47 U.S.C. § 214(e)(1).

definition.”¹⁴ In addition, the Commission has directed petitioners that meet the definition of a rural telephone company to identify their study areas.¹⁵

Saddleback is a rural telephone company pursuant to section 3(37) of the Act,¹⁶ and provides telephone exchange service, including exchange access, to fewer than 50,000 access lines.¹⁷ Saddleback provides voice grade access to the public switched network, access to free of charge “local usage,” dual tone multi-frequency signaling, single-party service, access to

¹⁴ 47 U.S.C. § 214(e)(5).

¹⁵ *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947, 22949 (1997) (“214(e)(6) Public Notice”).

¹⁶ Rural telephone company is defined in section 3(37) of the Act, which provides that:

The term “rural telephone company” means a local exchange carrier operating entity to the extent that such entity --

(A) provides common carrier service to any local exchange carrier study area that does not include either --

(i) any incorporated place of 10,000 inhabitant or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census; or

(ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993;

(B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines;

(C) provides telephone exchange service to any local exchange carrier study area with few than 100,000 access lines; or

(D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996.

¹⁷ See Attachment D.

emergency services, access to operator services, access to directory assistance, and toll limitation services for qualifying low-income users. Saddleback has been certified as a LEC by Salt River.

Saddleback's service area is defined by the external boundaries of the Salt River Community.¹⁸ Accordingly, Saddleback affirms that its study area is its service area pursuant to section 214(e)(5) (see Attachment A).

V. SADDLEBACK OFFERS THE SUPPORTED SERVICES BY USING ITS OWN FACILITIES & RESALE OF ANOTHER CARRIER'S SERVICES

Consistent with the requirements of section 214(e)(1)(A), a carrier seeking designation as an ETC must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier's services.”¹⁹ Saddleback provides telephone exchange service, including exchange access, using a combination of its own facilities and resale of the services of another carrier. Consequently, Saddleback affirms that it offers the supported services through its own facilities (see Attachment A).

VI. SADDLEBACK COMMUNICATIONS ADVERTISES THE AVAILABILITY OF ITS SERVICES AND ITS CHARGES FOR THOSE SERVICES USING MEDIA OF GENERAL DISTRIBUTION

An ETC must also advertise the availability of, and the prevailing prices for, the list of services comprising universal service throughout the area in which it is designated as an ETC.²⁰ Section 214(e)(1)(B) requires Saddleback to describe how it will meet the requirements to “advertise the availability of the [supported] services and the charges ... using media of general

¹⁸ See Attachment C.

¹⁹ 214(e)(6) *Public Notice*, at 22949 (citation omitted).

²⁰ 47 U.S.C. §54.201(d)(2).

distribution.”²¹ Saddleback currently advertises in the *Au-Authm Action News*, the Salt River Pima-Maricopa Indian Community Newspaper.²² Saddleback’s ads are designed to reach all of the residents of its service area and help ensure that customers in the service area are aware of the availability of the supported services; and in particular, the support available to low income consumers. Therefore, Saddleback complies with the requirements of section 214(e)(1)(B) of the Act.

VII. ANTI-DRUG ABUSE ACT CERTIFICATIONS

Pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, no applicant is eligible for any new, modified, or renewed instrument of authorization from the Commission, including authorizations issued pursuant to section 214 of the Act, unless the applicant certifies that neither it, nor any party to its application, is subject to a denial of federal benefits, including Commission benefits. Attached hereto is a certification, including the names of the individuals specified by section 1.2002(b) of the Commission’s rules, consistent with the requirements of the Anti-Drug Abuse Act of 1988.²³

²¹ 47 U.S.C. § 214(e)(1)(B).

²² See Attachment E.

²³ See Attachment F.

VIII. CONCLUSION

For the foregoing reasons, Saddleback meets the requirements set forth by the Commission to be designated as an Eligible Telecommunications Carrier pursuant to section 214(e)(6) of the Communications Act. Accordingly, Saddleback respectfully requests that the Commission confirm Saddleback as an ETC for the local exchange area that constitutes its present service area in Arizona as described herein.

Respectfully Submitted,



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Communications*

June 2, 1998,

ATTACHMENT A

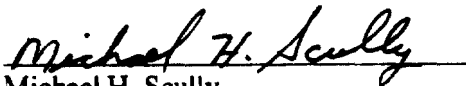
CERTIFICATION OF MICHAEL H. SCULLY

**PRESIDENT/GENERAL MANAGER
SADDLEBACK COMMUNICATIONS, A DIVISION OF THE SALT RIVER PIMA-
MARICOPA INDIAN COMMUNITY**

I, Michael H. Scully, President/General Manager of Saddleback Communications ("Saddleback") do hereby certify under penalty of perjury, that Saddleback offers the following services, using its own facilities, throughout its service area:

1. voice grade access to the public switched network;
2. access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
3. dual tone multi-frequency signaling or its functional equivalent;
4. single-party service or its functional equivalent;
5. access to emergency services;
6. access to operator services;
7. access to interexchange service;
8. access to directory assistance; and
9. toll limitation services for qualifying low-income consumers.

In addition, Saddleback's service area is defined by the boundaries of the Salt River Community as defined in Attachment C, and is not subject to the jurisdiction of a state commission.


Michael H. Scully
President/General Manager
Saddleback Communications

June , 1998

ATTACHMENT B

**EXECUTIVE ORDERS RELATING TO SALT RIVER PIMA-MARICOPA INDIAN
COMMUNITY**

PART III. EXECUTIVE ORDERS RELATING TO RESERVES.

west to the northwest corner of section 22, same township; thence north to the place of beginning, to be known as the Papago Indian Reserve.

U. S. GRANT.

(See Gila Bend, ante page 804.)

Pima and Maricopa or Gila River Reserve.

[In Pima Agency; occupied by Pima and Maricopa tribes; area 888 square miles; established by act of February 28, 1859, and Executive orders.]

EXECUTIVE MANSION, August 31, 1876.

It is hereby ordered that the following-described lands in the Territory of Arizona, viz, township 4 south, range 7 east, sections 14, 15, 22, 23, 24, 25, 26, 27, north half of section 35 and section 36; township 5 south, range 7 east, northeast quarter of section 1; township 4 south, range 8 east, southwest quarter of section 19, west half and southeast quarter of section 20, sections 30, 31, 32, and southwest quarter of section 33; township 5 south, range 8 east, southwest quarter of section 3, section 4, north half of section 5, north half of northeast quarter and northwest quarter of section 6, and northwest quarter of section 10, be, and the same are hereby, withdrawn from the public domain and set apart as an addition to the Gila River Reservation in Arizona for the use and occupancy of the Pima and Maricopa Indians.

U. S. GRANT

EXECUTIVE MANSION, January 10, 1879.

It is hereby ordered that all the public lands embraced within the following boundaries lying within the Territory of Arizona, viz, commencing at the mouth of the Salt River, running thence up the Gila River to the south line of township No. 2 south, Gila and Salt River base-line; thence east with said line to the southeast corner of township No. 2 south, range 6 east; thence north with said line to a point 2 miles south of the Salt River; thence following the course of said stream in an easterly direction, and 2 miles south of the same, to the west line of the White Mountain Reservation; thence north with the line of said reservation, or the extension of the same, to a point 2 miles north of said river; thence in a westerly direction, following the course of said river, and 2 miles north of the same, to the east line of range 6 east; thence north with said line to the northeast corner of township 2 north, range 6 east; thence west with the north line of said township to the Gila and Salt River meridian line; thence south with the said line to the Gila River, and thence by the said river to the place of beginning, be, and the same are hereby, withdrawn from sale and set apart for the use of the Pima and Maricopa Indians, in addition to their present reservation in said Territory.

R. R. HAYNE.

EXECUTIVE MANSION, June 14, 1879.

In lieu of an executive order dated January 10, 1879, setting apart certain lands in the Territory of Arizona as a reservation for the Pima and Maricopa Indians, which order is hereby canceled, it is hereby ordered that there be withdrawn from sale and settlement and set apart for the use of said Pima and Maricopa Indians, as an addition to the reservation set apart for said Indians by act of Congress approved February 28, 1859 (11 Stat., 401), the several tracts of

ARIZONA—PIMA AND MARICOPA RESERVE.

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country in said Territory of Arizona lying within the following boundaries, viz:

Beginning at the point where the range-line between ranges 4 and 5 east crosses the Salt River; thence up and along the middle of said river to a point where the easterly line of Camp McDowell military reservation, if prolonged south, would strike said river; thence northerly to the southeast corner of Camp McDowell reservation; thence west along the southern boundary-line of said Camp McDowell reservation to the southwest corner thereof; thence up and along the west boundary line of said reservation until it intersects the north boundary of the southern tier of sections in township 3 north, range 6 east; thence west along the north boundary of the southern tier of sections in township 3 north, ranges 5 and 6 east, to the northwest corner of section 31, township 3 north, range 5 east; thence south along the range-line between ranges 4 and 5 east to the place of beginning.

Also all the land in said Territory bounded and described as follows, viz:

Beginning at the northwest corner of the old Gila Reservation; thence by a direct line running northwesterly until it strikes Salt River 4 miles east from the intersection of said river with the Gila River; thence down and along the middle of said Salt River to the mouth of the Gila River; thence up and along the middle of said Gila River to its intersection with the northwesterly boundary line of the old Gila Reservation; thence northwesterly along the said last-described boundary line to the place of beginning.

It is hereby ordered that so much of townships 1 and 2 north, ranges 5 and 6 east, lying south of the Salt River as are now occupied and improved by said Indians, be temporarily withdrawn from sale and settlement until such time as they may severally dispose of and receive payment for the improvements made by them on said lands.

R. B. HAYES.

EXECUTIVE MANSION, May 5, 1888.

It is hereby ordered that the following-described lands, situated in the Territory of Arizona, viz:

Beginning at a point where the south boundary of section 15, township 3 south, range 3 east, intersects the western boundary of the present reservation south of the Gila River; thence west along the south boundary of sections 15 and 16, township 3 south, range 3 east, to the southwest corner of section 16; thence north along the section line to the northwest corner of section 16; thence due west along the south boundary of sections 8 and 7, in township 3 south, range 3 east, and sections 12, 11, and 10, in township 3 south, range 2 east, to the southwest corner of section 10; thence north along the west boundary of sections 10 and 8, to the northwest corner of section 3, in township 3 south, range 2 east; thence west along the north boundary of said township to the southwest corner of section 33, in township 2 south, range 2 east; thence north along the west boundary of sections 33 and 28 to the northwest corner of section 28; thence northwest in a straight line to a point on the Gila River meridian 2 miles south of the initial point on the Gila River base line; thence north along the Gila River meridian to the middle of the Gila River; thence with the boundary of the present reservation along and up the middle of the Gila River to a point where the said boundary leaves the said river; thence continuing along said boundary south 18° 38' east to the place of beginning, be, and the same is hereby, withdrawn from sale and settlement, and set apart for the use of the Pima and Maricopa Indians, in addition to their present reservation in said Territory: *Provided,*

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ARIZONA AND NEW MEXICO—ZUNI RESERVE.

line between townships 23 and 24 north to the northwest corner of township 23 north, range 29 east; thence south to the northwest corner of township 21 north, range 29 east; thence west on the township line between townships 21 and 22 north to the northwest corner of township 21 north, range 26 east; thence south to the southeast corner of township 21 north, range 25 east; thence west on the fifth standard parallel north to the southwest corner of township 21 north, range 22 east; thence north on the range line between ranges 21 and 22 east to its intersection with the south boundary of the Hopi (Moqui) Indian Reservation, Ariz.; thence east to the southeast corner of said Hopi (Moqui) Reservation; thence north on the 110° of longitude west to the south boundary of the Navajo Reservation, Ariz.; thence east along the said south boundary to the boundary line between Arizona and New Mexico; thence continuing east along the boundary line of the Navajo Reservation, N. Mex., to the southeast corner of said reservation; thence north along the east boundary of said Navajo Reservation to the place of beginning.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 28, 1908.
(No. 744.)

ZUNI NATIONAL FOREST, ARIZONA AND NEW MEXICO.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11, at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Zuni National Forest, Arizona and New Mexico, as proclaimed March 2, 1909, and modified by subsequent proclamation of July 1, 1910, be further modified by excluding therefrom those parts of the Zuni and of the Navajo Indian Reservations included in said national forest by the said proclamation of March 2, 1909, except those parts of the said Navajo Indian Reservation described in Executive order No. 1284 of January 16, 1911, and included in said Zuni National Forest by said proclamation of March 2, 1909, which are hereby retained as national forest land.

The purpose of this exclusion is to restore in all respects the Zuni Indian Reservation and that part of the Navajo Indian Reservation not affected by Executive order No. 1284 of January 16, 1911, to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Zuni National Forest had not been ordered, and said Indian reservations are hereby fully recreated and restored to that status, with the exception above mentioned.

WM. H. TAFT.

THE WHITE HOUSE, February 17, 1912.
(No. 1482.)

It is hereby ordered that the following described lands in Pima County, Ariz., be, and they are hereby, reserved from settlement, entry, sale, or other disposal and set aside for school, agency, and other necessary uses for the benefit of the Papago Indians, subject to any valid existing rights of any persons thereto:

SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 25, T. 17 S., R. 4 E.; S. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$; S. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 30, T. 17 S., R. 5 E. Beginning at SW. corner of the NW. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of section 30, T. 17 S., R. 5 E.; thence east 2.5 chains; thence north 20 chains; thence west 2.5 chains; thence south 20 chains to the place of beginning.

N. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of sec. 7, T. 21 S., R. 6 E., of the Gila and Salt River meridian, Arizona.

WM. H. TAFT.

THE WHITE HOUSE, June 16, 1911.
(No. 1374.)

It is hereby ordered that the following described lands in the State of Arizona, viz, all of sections 1 and 12, in township 1 north, range 4 east, of the Gila and Salt River meridian, be, and the same are hereby, withdrawn from settlement, entry,

and sale and set apart as an addition to the Salt River Indian Reservation: Provided, That nothing herein shall affect any existing valid rights of any person to the lands prescribed.

WM. H. TAFT.

THE WHITE HOUSE, October 20, 1910.
(No. 1255.)

It is hereby ordered that Executive order of June 14, 1879, creating a reservation for use of the "Pima and Maricopa Indians" be, and the same is hereby, amended so as to make said reservation available for use of the Pima and Maricopa Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon.

WM. H. TAFT.

THE WHITE HOUSE, March 22, 1911.
(No. 1322.)

Executive order of June 14, 1879, temporarily withdrawing from sale and settlement for Indian uses so much of townships 1 and 2 north, ranges 5 and 6 east, in Arizona, lying south of the Salt River, is hereby amended so as to permanently withdraw from settlement, entry, sale, or other disposition all those tracts lying south of the Salt River in secs. 25, 26, 34, and 36, except the SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of sec. 34, in township 2 north, range 6 east of the Gila and Salt River meridian, for the use of the Pima and Maricopa Indians, and such other Indians as the Secretary of the Interior may see fit to settle thereon, subject to any existing valid rights of any persons thereto.

WM. H. TAFT.

THE WHITE HOUSE, September 28, 1911.
(No. 1416.)

DECEMBER 22, 1902.

It is hereby ordered that all that portion of the White Mountain or San Carlos Indian Reservation in the Territory of Arizona lying within the following described boundaries be, and the same hereby is, restored to the public domain, to wit: Commencing at the southwestern corner of the reservation where the same is cut by the Gila River; thence in a northerly direction along the western boundary 13 miles to a point; thence due east to the Gila River; thence down the Gila River in a southerly and southwesterly direction to the place of beginning.

T. ROOSEVELT.

APACHE NATIONAL FOREST, ARIZONA.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11 at 34 and 36), and upon recommendation of the Secretary of Agriculture, it is hereby ordered that on and after March 1, 1912, the boundaries of the Apache National Forest, Ariz., as proclaimed March 2, 1909, and modified by subsequent proclamation of September 26, 1910, be further modified by excluding therefrom all that part of the White Mountain Apache Indian Reservation included in said Apache National Forest by said proclamation of March 2, 1909, and not transferred to the Crook National Forest, Ariz., by proclamation of September 26, 1910.

The purpose of this exclusion is to restore the White Mountain Apache Indian Reservation in all respects to the status existing prior to the said proclamation of March 2, 1909, as though the inclusion of the lands within the Apache National Forest had not been ordered, and said Indian reservation is hereby fully re-created and restored to that status.

WM. H. TAFT.

THE WHITE HOUSE, February 17, 1912.
(No. 1475.)

56773—S. Doc. 719, 22-3—43

PUBLIC LAW 95-399 [S. 3002]; Sept. 30, 1978

SALT RIVER PIMA-MARICOPA INDIAN RESERVATION—ARIZONA—BOUNDARIES

An Act to modify a portion of the south boundary of the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SECTION 1. (a) The Congress hereby finds that—

- (1) the Salt River Pima-Maricopa Indian Reservation was established on Federal lands for the purpose of providing a place for members of the Salt River Pima-Maricopa Indian community to live in peace and prosperity with other persons in Arizona;
- (2) at the time of the creation of such reservation, a portion

Salt River Pima-Maricopa Indian Reservation, Ariz. Boundary revision.

ATTACHMENT C

BOUNDARIES OF SERVICE AREA FOR SADDLEBACK COMMUNICATIONS

PUBLIC LAW 95-399 [S. 3002]: Sept. 30, 1978

SALT RIVER PIMA-MARICOPA INDIAN RESERVATION—ARIZONA—BOUNDARIES

An Act to modify a portion of the south boundary of the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SECTION 1. (a) The Congress hereby finds that—

(1) the Salt River Pima-Maricopa Indian Reservation was established on Federal lands for the purpose of providing a place for members of the Salt River Pima-Maricopa Indian community to live in peace and prosperity with other persons in Arizona;

(2) at the time of the creation of such reservation, a portion of the south boundary was established to follow the course of the Salt River;

(3) the United States granted patents for, and leaseholds and other interests in, lands adjacent to such boundary for sand and gravel excavation and for other purposes to persons who were not members of such Indian community;

(4) subsequent to the establishment of such boundary, the course of the Salt River shifted, creating uncertainty with respect to the precise location of such boundary; and

(5) by an Executive order, the Secretary of the Interior located and permanently fixed such boundary in a location which included within such reservation, lands for which the United States had previously issued patents, leaseholds, and other interests, causing confusion and an ongoing controversy between such Indian community and persons holding such patents, leaseholds, and other interests.

(b) The Congress hereby declares that it is the policy of the Congress to resolve, without costly and lengthy litigation, the dispute between the Salt River Pima-Maricopa Indian community and the persons referred to in subsection (a)(3) over the location of the south boundary of the Salt River Pima-Maricopa Indian Reservation.

MODIFICATION OF SOUTH BOUNDARY

SEC. 2. The south boundary of the Salt River Pima-Maricopa Indian Reservation in Arizona (hereinafter in this Act referred to as the "reservation"), created by the Executive order issued on June 14, 1879, shall be modified in accordance with the provisions of sections 3 and 4 of this Act. Any portion of such boundary established by this Act shall be fixed and permanent and not ambulatory.

RESERVATION LANDS

SEC. 3. (a)(1) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall acquire by purchase or condemnation the lands described in paragraph (2). Upon acquisition, such lands shall be added to the reservation. The acquisition of lands

Salt River Pima-Maricopa Indian Reservation, Ariz. Boundary revision.

Land acquisition.

under this subsection, and payment for such lands under section 5(b) of this Act, shall be deemed to have been pursuant to condemnation by the United States.

(2) The lands authorized to be acquired in paragraph (1) are located in township 1 north, range 5 east, Gila and Salt River base and meridian, Arizona, and are those portions of the land in—

(A) the south half of the southeast quarter of section 7 of such township and range;

(B) the south half of the southwest quarter of section 8 of such township, and range; and

(C) the southwest quarter of the southeast quarter of section 4 of such township and range;

which lie north of that boundary line representing the middle of the south channel of the Salt River and the south boundary of the Salt River Indian Reservation as shown of record on a map entitled "Township 1 North, Range 5 East, of the Gila and Salt River Meridian, Arizona, Dependent Resurvey and Survey of the South Boundary of Salt River Indian Reservation" which consists of four sheets, dated August 17, 1979, and is on file and available for public inspection at the Department of the Interior, Bureau of Land Management, Washington, District of Columbia.

(b) Upon the acquisition of the lands described in subsection (a), the reservation shall include all lands in township 1 north, range 5 east, Gila and Salt River base and meridian, Arizona, lying north of that boundary line representing the middle of the south channel of the Salt River and the south boundary of the Salt River Indian Reservation as shown of record on the map referred to in subsection (a) (2), except for any portion of the following parcels of land:

(1) the north half of the northwest quarter of section 18 of such township and range;

(2) the north half of the northeast quarter of section 18 of such township and range;

(3) the north half of the southeast quarter of the northeast quarter of section 8 of such township and range;

(4) the northwest quarter of the northwest quarter of section 9 of such township and range;

(5) the northeast quarter of the northwest quarter of section 9 of such township and range;

(6) the southeast quarter of the northwest quarter of section 3 of such township and range;

(7) the north half of the north half of the southwest quarter of section 3 of such township and range;

(8) the southwest quarter of the northeast quarter of section 3 of such township and range; and

(9) the northeast quarter of the northeast quarter of section 3 of such township and range.

(c) The boundary of the reservation shall be extended to include the following parcels of land:

(1) in township 2 north, range 6 east, Gila and Salt River base and meridian, Arizona—

(A) the area between the reservation boundary created by the Executive order issued on June 14, 1979, as amended, and a line parallel to and 150 feet north of the concrete canal lining on the northerly edge of the South Canal within the west 1,000 feet of section 13 of such township and range;

(B) any portion of the southeast quarter of the southeast quarter of section 14 of such township and range lying south and east of the reservation boundary created by the Executive order issued on June 14, 1879, as amended;

(C) the area between the reservation boundary created by the Executive order issued on June 14, 1879, as amended and a line parallel to and 150 feet north of the top of the concrete canal lining on the northerly edge of the South Canal in sections 24, 23, 22, and 27 of such township and range and the east half of section 28 of such township and range, except for approximately 16 acres of land described as that part of the west half of the southwest quarter of section 27 of such township and range lying north of the South Canal;

(D) the area between the reservation boundary created by the Executive order issued on June 14, 1879, as amended, and the north line of the south half of the southwest quarter of section 28 of such township and range;

(E) the area between the reservation boundary created by the Executive order issued on June 14, 1879, as amended, and the north line of the south half of the south half of sections 29 and 30 of such township and range; and

(F) the north 600 feet of the Granite Reef Reserve in lots 2 and 3 of section 13 of such township and range; and

(2) in township 2 north, range 5 east, Gila and Salt River base and meridian, Arizona, the south 450 feet of the Evergreen Reserve in the west half of the northwest quarter of the northwest quarter of the southeast quarter of section 23.

(d) Any lands added to the reservation under this Act shall become a part of the reservation in all respects and upon all the same terms as if such lands had been included in the Executive order issued by the President on June 14, 1879, as amended, except that such lands shall remain tribal lands and shall not be subject to allotment to individual Indians.

STATUS OF ARIZONA CANAL AND OTHER RECLAMATION PROJECT LANDS

SEC. 4. (a) The United States shall have, free of any claim of Indian title or trusteeship by the Salt River Pima-Maricopa Indian community, all rights and interests in, and absolute and unqualified title to, the following parcels of land:

(1) those portions of the Arizona Canal right-of-way within the exterior boundaries of the Salt River Indian Reservation as defined by the March 29, 1913, accepted United States general land office resurveys of township 2 north, range 5 east and township 2 north, range 6 east of the Gila and Salt River base and meridian, Arizona, and supplemental surveys dated September 30, 1924, plats of which are of record in the Arizona State Office of the Bureau of Land Management, United States Department of the Interior, Phoenix, Arizona;

(2) that portion of the reservation in section 13, township 2 north, range 6 east, Gila and Salt River base and meridian, Arizona, lying between the southerly prolongation of the west line of lot 2 and the southerly prolongation of the east line of lot 3 of section 13 and lying between the southerly boundaries of lots 2 and 3 and the southerly reservation boundary created by the Executive order issued on June 14, 1879, as amended;

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(3) United States Reclamation Service Reserve (Granite Reef), which consists of lots 2 and 3 in section 13, township 2 north, range 6 east, Gila and Salt River base and meridian, Arizona, except the north 600 feet of such lots 2 and 3, title to which has been confirmed in the United States for the benefit of the Salt River Pima-Maricopa Indian community; and

(4) United States Reclamation Service Reserve (Evergreen), which consists of lot 9 and the west half of the northwest quarter of the northwest quarter of the southeast quarter of section 23, township 2 north, range 5 east, Gila and Salt River base and meridian, Arizona, except the south 450 feet of such Reserve, title to which has been confirmed in the United States for the benefit of the Salt River Pima-Maricopa Indian community.

(b) The reservation boundary shall be modified to exclude from the reservation the parcels of land described in paragraphs (1) through (4) of subsection (a)

COMPENSATION

Fair market
value.

SEC. 5. (a) (1) The Secretary shall determine the fair market value of those portions of the parcels of land described in paragraphs (1) through (9) of section 3(b) of this Act which lie north of the boundary line referred to in section 3(b) of this Act, and shall pay an amount equal to such fair market value or \$1,964,520, whichever is greater, to the Salt River Pima-Maricopa Indian community.

(2) Acceptance of the payment described in paragraph (1) shall constitute a complete release and satisfaction of any claim which the Salt River Pima-Maricopa Indian community may have against the United States or holder of any interest with respect to any right, title, or interest in any portion of the parcels of land described in paragraphs (1) through (9) of section 3(b) of this Act which are located north of the boundary line referred to in section 3(b) of this Act.

(b) (1) Except as otherwise provided in paragraph (2), the Secretary shall determine the fair market value of each parcel of land acquired by the United States and added to the Reservation pursuant to section 3(a) (1) of this Act, and shall pay an amount equal to such fair market value to the owner, under a patent issued by the United States, of such parcel.

(2) If the aggregate of all amounts to be paid under paragraph (1) is less than the sum of \$1,951,740, in lieu of such payments under paragraph (1), the Secretary shall pay such sum to the owners, under patents issued by the United States, of the parcels of land acquired by the United States and added to the reservation pursuant to section 3(a) (1) of this Act. In determining the amount of any payment to any person under this paragraph with respect to such parcels of land, the proportion of the amount of the payment to any person to \$1,951,740 shall be equal to the proportion of the amount of the acreage of such parcel which such person owns, under a patent issued by the United States, to the total acreage of such parcels.

(3) Acceptance of the payment described in paragraph (1) or (2) by any person shall constitute a complete release and satisfaction of any claim which such person may have against the United States, the Salt River Pima-Maricopa Indian community, or holder of any interest with respect to any right, title, or interest in any portion of the parcels of land described in subparagraphs (A), (B), or (C) of section 3(a) (2) of this Act which are located north of the boundary line referred to in section 3(a) (2) of this Act.

Sept. 30 PIMA-MARICOPA RESERVATION

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AUTHORIZATION OF APPROPRIATIONS

Sec. 6. Effective October 1, 1979, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved September 30, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1498 accompanying H.R. 12344 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-1170 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Sept. 11, considered and passed Senate.

Sept. 19, considered and passed House, in lieu of H.R. 12344.

PUBLIC LAW 100-544 (H.R. 5066); October 28, 1988

**SALT RIVER PIMA-MARICOPA INDIAN
RESERVATION, ARIZONA**

An Act to add additional land to the Salt River Pima-Maricopa Indian Reservation in Arizona, and for other purposes.

Public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND POLICY.

(a) The Congress hereby finds that—

(1) the Salt River Pima-Maricopa Indian Reservation was established on Federal lands for the purpose of providing a place for members of the Salt River Pima-Maricopa Indian community to live in peace and prosperity with other persons in Arizona;

(2) the use of lands within the Salt River Pima-Maricopa Indian Reservation will be lost to the community through location of a regional freeway if an agreement is reached between the State of Arizona and the Salt River Pima-Maricopa Indian community; and

(3) the State of Arizona will compensate the Bureau of Land Management for land described in section 2 with lands of approximately equivalent value.

(b) The Congress hereby declares that it is the policy of the Congress to expedite these land exchanges and upon transfer of title from the State of Arizona to the Salt River Pima-Maricopa Indian community add this additional land to the Salt River Pima-Maricopa Indian Reservation.

SEC. 2. AUTHORIZATION FOR EXCHANGE.

The Secretary of the Interior is authorized and directed to exchange a tract of land known as Red Mountain located in section 24, township 2 north, range 6 east, Gila and Salt River meridian.

SEC. 3. REVOCATION OF RECLAMATION WITHDRAWALS.

(a) Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands:

(1) Secretarial orders dated July 2, 1902, and February 10, 1906, which withdraw lands in aid of the Salt River project, are hereby revoked on the following described lands:

Lots 7, 9, 11, 13 through 15, and 17 through 29 of section 24, township 2 north, range 6 east, Gila and Salt River meridian.

The effective date of the revocation shall be the date of patent.

(b) Reserving to the Salt River project an easement for electric transmission and distribution lines and access purposes as to a portion of the east half of section 24, township 2 north, range 6 east of the Gila and Salt River meridian, Maricopa County, Arizona, as authorized by virtue of this Act.

Oct. 28

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Said easement being section 24 lying west on the south section the southeast corner section line of said northeast corner of depicted on drawing priority right of the Management Right

(c) The United States not be liable whatsoever section 3(1) of this Act with any of the United future facilities or protection

(d) Any future patent successors, and assigns the Salt River project for alter drainage and adverse or protective works of

(e) Reserving to the purposes, as described in the

SEC. 4. ADDITION OF LAND TO INDIAN RESERVATION.

The boundary of the reservation in Arizona, created as amended, shall be marked section 5 of this Act at the lands. Any portion shall be fixed and permanent

SEC. 5. RESERVATION LAND.

(a) Upon acquisition of the Community the following lying southerly of the reservation:

(1) That portion of the Gila and Salt River Reservation described as follows:

Beginning at a witness which is south 2 degrees the northeast corner of the right of way of the Bureau of Land Management section 23, accepted September

Thence by metes of the Southern California south 55 degrees south 61 degrees south 69 degrees south 75 degrees south 57 degrees south 68 degrees south 76 degrees south 65 degrees south 59 degrees south 45 degrees

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INDIAN RESERVATION

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Said easement being that portion of the east 300.0 feet of said section 24 lying west of a line extending northerly from a point on the south section line of said section 24 being 51.0 feet west of the southeast corner of said section 24 to a point on the north section line of said section 24 being 129.0 feet west of the northeast corner of said section 24 as hereby referenced and depicted on drawing C-675-439.90. Said easement establishes a priority right of the Salt River Project to the Bureau of Land Management Right of Way Number A.R. 020234.

(c) The United States of America and the Salt River project shall not be liable whatsoever for damages to any lands revoked under section 3(1) of this Act which may be caused by flooding in conjunction with any of the United States or Salt River project existing or future facilities or protective works.

(d) Any future patentee, its heirs, executors, administrators, successors, and assigns shall be held liable to the United States or the Salt River project for damages caused by their activities which alter drainage and adversely affect adjacent lands, project facilities, or protective works of the United States or Salt River project.

(e) Reserving to the United States a right of way for road purposes, as described in the Bureau of Land Management A.R. 020234.

SEC. 4. ADDITION OF LANDS TO THE SALT RIVER PIMA-MARICOPA INDIAN RESERVATION.

The boundary of the Salt River Pima-Maricopa Indian Reservation in Arizona, created by Executive order issued on June 14, 1879, as amended, shall be modified in accordance with the provisions of section 5 of this Act at such time as the reservation acquires title to the lands. Any portion of such boundary established by this Act shall be fixed and permanent and not ambulatory.

SEC. 5. RESERVATION LANDS.

(a) Upon acquisition by the Salt River Pima-Maricopa Indian Community the following lands containing approximately 594 acres lying southerly of the present reservation shall be added to the reservation:

(1) That portion of section 23, township 2 north, range 6 east, Gila and Salt River meridian, Maricopa County, Arizona, described as follows:

Beginning at a witness point on the east line of said section 23, which is south 2 degrees 15 minutes west, 9.58 chains distance from the northeast corner of said section, said point being on the southerly right of way of the Southern Canal as shown on the official Bureau of Land Management plat of the metes-and-bounds survey in section 23, accepted September 26, 1983.

Thence by metes-and-bounds along the southerly right of way of the Southern Canal as shown of said plat,

south 55 degrees 56 minutes west, 3.31 chains, to AP 1;
south 61 degrees 16 minutes west, 4.875 chains, to AP 2;
south 69 degrees 42 minutes west, 3.695 chains, to AP 3;
south 75 degrees 02 minutes west, 4.095 chains, to AP 4;
south 57 degrees 16 minutes west, 3.235 chains, to AP 5;
south 68 degrees 03 minutes west, 9.22 chains, to AP 6;
south 76 degrees 29 minutes west, 8.265 chains, to AP 7;
south 65 degrees 41 minutes west, 6.30 chains, to AP 8;
south 59 degrees 46 minutes west, 2.815 chains, to AP 9;
south 45 degrees 35 minutes west, 29.64 chains, to AP 10;

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south 28 degrees 23 minutes west, 18.72 chains, to AP 11;
 south 41 degrees 06 minutes west, 88.44 feet to a point;
 Thence leave the southerly right of way of the Southern
 Canal and continue by metes-and-bounds through said section
 23.

south 88 degrees 49 minutes 55 seconds east, 418.10 feet;
 north 15 degrees 54 minutes 15 seconds east, 662.12 feet;
 south 88 degrees 49 minutes 55 seconds east, 675.00 feet;
 south 0 degree 34 minutes 46 seconds west, 640.38 feet;
 south 88 degrees 49 minutes 55 seconds east, 3,477.03 feet
 to a point on the east line of section 23, which is north 0
 degree 37 minutes west, 945.29 feet from the southeast
 corner of section 23;

Thence northerly along the east line of section 23 3,788.97
 feet, more or less, to the witness point on the southerly right of
 way of the Southern Canal and the point of beginning, contain-
 ing approximately 251 acres, and

(2) Lots 7, 9, 11, 13, 14, 15, 17, 18, 20, 22, and 24, section 24,
 township 2 north, range 6 east, Gila and Salt River meridian,
 containing approximately 343 acres and subject to conditions,
 reservations and easements of section 3 (a), (b), (c), and (d) as
 authorized by virtue of this Act.

(b) Any lands added to the reservation under this Act shall
 become a part of the reservation in all respects and upon all the
 same terms as if such lands had been included in the Executive
 order issued by the President on June 14, 1879, as amended, except
 that such lands shall remain tribal lands and shall not be subject to
 allotment to individual Indians.

Approved October 28, 1988.

LEGISLATIVE HISTORY—H.R. 5044—

HOUSE REPORTS: No. 100-921 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 124 (1988):
 Sept. 22, considered and passed House;
 Oct. 14, considered and passed Senate.

102 STAT. 2726

PUBLIC GENERAL

For

An Act to amend title 31
 General Accounting
 Accounting Office.

Be it enacted by
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SECTION 1. PROPER GENERAL

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